

F. Anderson, the bill of complaint be and the same is hereby dismissed with costs to be taxed by the register. Decreed, that the complainants and the defendants George Law, William G. Harrison and John Odom, account with each other of and concerning the disbursements made for the outfit and use of the said schooner Beauty on her voyage to the West Indies, and afterwards to Montevideo; and also as to the proceeds of the sale of the said vessel and her earnings, as in the proceedings mentioned. That the auditor state the account relative thereto from the evidence and proceedings in the case, and such other evidence as may be laid before him by either party. The said account to be returned to this Court for further order, and subject to the exceptions of either party. And it is further ordered, that the plaintiffs and defendants Law, Harrison and Odom, be and they are hereby authorized to take testimony before the commissioners in the City of Baltimore, to be used in stating the account as aforesaid, on giving three days notice as usual. Provided, that the same be taken and filed on or before the 15th of May next.

On the 12th of May, 1828, the defendant Law, by his petition on oath, stated, that the testimony of William P. Matthews, a witness competent and proper, who was then beyond the limits of the State, was necessary to sustain his case, &c. Whereupon **412** *he prayed, that he might have a commission to take testimony; and that the time for collecting and returning evidence might be enlarged.

BLAND, C., 12th May, 1828.—Ordered, that the time limited for the returning and filing of testimony authorized to be taken by the interlocutory decree of the 4th of April last, be and the same is hereby extended to the 15th of October next. That the parties be and they are hereby authorized to take out a commission for the purpose of taking testimony in any foreign country, to be read in evidence in this case, on naming and striking commissioners as usual. Provided, that such commission be returned on or before the 15th of October next; or that good cause be then shewn why the same, with reasonable diligence, could not have been returned by that time.

Soon after which the plaintiffs, by their petition on oath, stated various matters and things in relation to the grounds upon which this last order had been granted; and objected to the enlargement of the time for collecting and returning testimony; alleging, that the sole object of the defendant Law, was an unjust and unreasonable delay. Upon which they prayed, that the order of the 12th instant might be rescinded.